

**TWENTY-EIGHTH DAY**

(Wednesday, March 3, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

|           |          |
|-----------|----------|
| Aikin     | Mauritz  |
| Beck      | Metcalf  |
| Brownlee  | Moffett  |
| Bullock   | Moore    |
| Chadick   | Morris   |
| Graves    | Ramsey   |
| Hazlewood | Stone    |
| Jones     | Sulak    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Fain was granted leave of absence for today and indefinitely on account of important business, on motion of Senator Vick.

Senators Kelley and Lemens were granted leave of absence for today and tomorrow on account of official business, on motion of Senator Metcalfe.

Senator Formby was granted leave of absence for today and indefinitely on account of important business, on motion of Senator Chadick.

Senator Cotten was granted leave of absence for today and tomorrow on account of illness, on motion of Senator Metcalfe.

**Senate Concurrent Resolution 26**

Senator Moffett offered the following resolution:

S. C. R. No. 26, Relating to increase of acreage to be planted in cotton.

Whereas, It has been well established in recent weeks that there is a definite national shortage of protein feeds suitable for the maximum production of livestock in the United States; and

Whereas, Reliable statistics indicate that unless drastic and unusual steps are taken to increase in a practical manner the supply of protein feedstuffs during the next twelve months that said protein feedstuffs will become increasingly scarce, thus impeding the production of sufficient meat and livestock products to properly support the war effort; and

Whereas, Because of war conditions, shortage of manpower and machinery, and other things, some farmers may desire to cultivate other crops or may desire to plant all, or substantially all, of their tilled acres in grazing crops for livestock, thereby temporarily shelving the cotton quotas assigned to their particular farms; and

Whereas, On the other hand, certain portions of the cotton belt, and particularly certain large areas in Texas, can plant and cultivate an additional acreage of cotton over and above present quotas through the use of mechanized equipment already on hand with only a very limited additional amount of manpower; and

Whereas, It is believed that on account of the above mentioned circumstances if some reasonable change is not brought about, the acreage planted in cotton in 1943 may fall to less than the planted acres in 1942, thus increasing the shortage of protein supplement for livestock feed; now, therefore, be it

Resolved, That the Senate of Texas, the House of Representatives concurring, does hereby urge the Secretary of Agriculture to increase the national cotton allotment by a reasonable amount commensurate with the available machinery, manpower, and suitable tillable soil, and that a system of transferrals be set up, whereby the acreage best suited to cotton could be planted to cotton, and lands not well suited to cotton could be planted to other suitable war crops; and, be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to the Secretary of Agriculture, Washington, D. C., and to all of the members of the National Congress from Texas.

MOFFETT,  
METCALFE,  
BULLOCK.

The resolution was read, and on motion of Senator Moffett, and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Appointment of Committee Vice Chairman

The President announced the appointment of Senator Chadick as Vice Chairman of the Committee on Counties and County Boundaries in the place of Senator Fain, resigned.

#### Committee to Select Poet Laureate

The President announced the appointment of the following committee to select a State poet laureate in accordance with the provisions of H. C. R. No. 51:

Senators Vick, Mauritz, and Lovelady.

#### Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Lovelady:

S. B. No. 250, A bill to be entitled "An Act authorizing the State Department of Public Welfare to turn over certain records of the Texas Relief Commission, for the years 1932 to September 1, 1939, and all duplicate Old Age Assistance records accumulated for the year 1936 through October, 1938, to the Board of Control and giving said Board of Control authority and requiring it to sell same for salvage or any commercial purpose or otherwise dispose of said records or cause the same to be destroyed; and declaring an emergency."

To Committee on State Affairs.

#### Reports of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 266, have had the same under consideration, and I am instructed to report it back to the Sen-

ate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 353, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,  
March 2, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 237, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 24, Recalling S. B. No. 107 from the Governor's Office.

S. C. R. No. 25, Inviting Fulton Lewis, Jr., to address the joint session of the Legislature, at 11:00 a. m., March 5, 1943.

S. B. No. 62, A bill to be entitled "An Act providing for the registration for exclusive use by owners of livestock in this State of tattoo marks; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 110, A bill to be entitled "An Act authorizing the State Board of Control under the laws of the State of Texas to exercise the right of eminent domain and condemnation in the securing of lands necessary to the operation of State Eleemosynary Institutions, State Hospitals and other

institutions under the control and jurisdiction of said Board and defining the duties and powers of the State Board of Control and the Attorney General's Department in regard thereto."

S. B. No. 116, A bill to be entitled "An Act to amend Subdivision 64 of Article 199, of the Revised Civil Statutes of Texas, 1925, so as to change the length of the terms of District Court and the time of holding the terms of District Court in Hale, Lamb, Swisher, Castro, and Bailey Counties, constituting the Sixty-fourth Judicial District of Texas; etc.; and declaring an emergency."

S. B. No. 137, A bill to be entitled "An Act to amend Subdivision 2 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1939, Forty-sixth Legislature, page 150, so as to change the time and terms of holding the Second District Court in Angelina, Cherokee, and Nacogdoches Counties, constituting the Second Judicial District of Texas; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 50, Requesting return of H. B. No. 241 from the Governor.

H. C. R. No. 51, Providing for the appointment of certain committee to select and designate a Poet Laureate.

H. C. R. No. 53, In memory of Hon. James A. Harley.

#### Message from the Governor

The following message from the Governor was received, was read to the Senate, and was referred to the Committee on Nominations of the Governor.

Austin, Texas,  
March 3, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Adjutant General, term to expire January 18, 1945:

Arthur B. Knickerbocker of Odessa, Ector County.

To be Member of the State Commission for the Blind for a six year term expiring January 1, 1949:

B. F. Payne of Carthage, Panola County.

Respectfully submitted,

COKE R. STEVENSON,  
Governor of Texas.

#### Senate Bill 4 with House Amendments

Senator Stone called S. B. No. 4 from the President's table for further consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate.

Senator Stone moved that the Senate concur in the House amendments.

Senator Metcalfe moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two houses on the bill.

Question first recurring on the motion of Senator Metcalfe, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—12

|          |          |
|----------|----------|
| Aikin    | Lane     |
| Brownlee | Lanning  |
| Bullock  | Lovelady |
| Chadick  | Mauritz  |
| Graves   | Metcalfe |
| Jones    | Vick     |

#### Nays—10

|         |          |
|---------|----------|
| Beck    | Ramsey   |
| Martin  | Stone    |
| Moffett | Sulak    |
| Moore   | Winfield |
| Morris  | York     |

#### Absent

|           |         |
|-----------|---------|
| Hazlewood | Weinert |
|-----------|---------|

#### Absent—Excused

|        |         |
|--------|---------|
| Cotten | Lemens  |
| Fain   | Shivers |
| Formby | Spears  |
| Kelley |         |

**Motion to Take up House Bill 159**

Senator Aikin moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 159 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the Senate's entire membership):

**Yeas—19**

|          |          |
|----------|----------|
| Aikin    | Mauritz  |
| Brownlee | Metcalfe |
| Bullock  | Moffett  |
| Chadick  | Morris   |
| Graves   | Ramsey   |
| Jones    | Stone    |
| Lane     | Sulak    |
| Lanning  | Vick     |
| Lovelady | York     |
| Martin   |          |

**Nays—2**

|       |          |
|-------|----------|
| Moore | Winfield |
|-------|----------|

**Absent**

|           |         |
|-----------|---------|
| Beck      | Weinert |
| Hazlewood |         |

**Absent—Excused**

|        |         |
|--------|---------|
| Cotten | Lemens  |
| Fain   | Shivers |
| Formby | Spears  |
| Kelley |         |

**Reports of Standing Committees**

Senator York, by unanimous consent, submitted at this time the following reports:

Committee Room,  
Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to whom was referred S. B. No. 243, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

YORK, Vice Chairman.

Senator Metcalfe, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred H. B. No. 171, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred S. B. No. 189, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas,  
March 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising to whom was referred S. B. No. 101, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

**House Bill 260 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment:

H. B. No. 260, A bill to be entitled "An Act authorizing the Commissioners Court in each county in this State having a population of not less than eighteen thousand, four hundred and forty-four (18,444) and not more than eighteen thousand, five hundred (18,500); etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 260 on Third Reading**

Senator Bullock moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—20**

|           |          |
|-----------|----------|
| Aikin     | Lovelady |
| Beck      | Martin   |
| Brownlee  | Mauritz  |
| Bullock   | Metcalf  |
| Chadick   | Moffett  |
| Graves    | Moore    |
| Hazlewood | Morris   |
| Jones     | Stone    |
| Lane      | Vick     |
| Lanning   | York     |

**Nays—1**

Winfield

**Absent**

|        |         |
|--------|---------|
| Ramsey | Weinert |
| Sulak  |         |

**Absent—Excused**

|        |         |
|--------|---------|
| Cotten | Lemens  |
| Fain   | Shivers |
| Formby | Spears  |
| Kelley |         |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—19**

|          |          |
|----------|----------|
| Aikin    | Lovelady |
| Beck     | Martin   |
| Brownlee | Mauritz  |
| Bullock  | Metcalf  |
| Chadick  | Morris   |
| Graves   | Stone    |
| Jones    | Sulak    |
| Lane     | Vick     |
| Lanning  | York     |

**Nays—2**

|         |          |
|---------|----------|
| Moffett | Winfield |
| Moore   |          |

**Absent**

|           |         |
|-----------|---------|
| Hazlewood | Weinert |
| Ramsey    |         |

**Absent—Excused**

|        |         |
|--------|---------|
| Cotten | Lemens  |
| Fain   | Shivers |
| Formby | Spears  |
| Kelley |         |

**Hour for Executive Session Set**

On motion of Senator Brownlee, and by unanimous consent, the Senate agreed to hold an executive session at 11:30 o'clock a. m. tomorrow.

**Adjournment**

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 11:25 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

**TWENTY-NINTH DAY**

(Thursday, March 4, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

|           |          |
|-----------|----------|
| Aikin     | Mauritz  |
| Brownlee  | Metcalf  |
| Bullock   | Moffett  |
| Chadick   | Moore    |
| Cotten    | Morris   |
| Graves    | Ramsey   |
| Hazlewood | Shivers  |
| Jones     | Stone    |
| Kelley    | Sulak    |
| Lane      | Vick     |
| Lanning   | Weinert  |
| Lovelady  | Winfield |
| Martin    | York     |

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday, was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Fain was granted leave of absence for today and indefinitely on account of important business, on motion of Senator Lovelady.

Senator Lemens was granted leave of absence for today on account of important business, on motion of Senator Vick.